



14 JUL 2006

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In re Application of:	:	
GROSSIORD, Claude, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/520,844	:	(37 CFR 1.47(a))
PCT No.: PCT/FR2003/002208	:	
Int'l Filing Date: 11 July 2003	:	
Priority Date: 11 July 2002	:	
Attorney's Docket No.: 0502-1022	:	
For: AUTOMATIC CLASP FOR	:	
WRISTWATCH STRAP	:	

This decision is issued in response to the petition under 37 CFR 1.47(a) filed 22 August 2005. Deposit Account No. 25-0120 will be charged the \$200 petition fee.

**BACKGROUND**

On 11 July 2003, applicants filed international application PCT/FR2003/002208. The international application claimed a priority date of 11 July 2002 April 2002, and it designated the United States. On 22 January 2004, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 11 January 2005.

On 11 January 2005, applicants filed a Transmittal Letter for entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee and a translation into English of the international application.

On 21 June 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration acceptable under 37 CFR 1.497 was required.

On 22 August 2005, applicants responded with the petition under 37 CFR 1.47(a) considered herein. The petition was accompanied by declarations executed by two of the three inventors and seeks acceptance of the application without the signature of the remaining inventor, Frederic NICOLET, whom applicants assert has refused to sign the application documents.

### DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration by the other inventors on behalf of the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

The petition includes the authorization to charge Deposit Account No. 25-0120 the required petition fee and an express statement of the non-signing inventor's last known address. Accordingly, items (1) and (2) are satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by two of the three inventors and including an unsigned signature box identifying the non-signing inventor. This declaration is treated as having been executed by the available inventors on their own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), applicants have submitted a statement from Mr. Guy PUIROUX, with accompanying documents, as evidence that the non-signing inventor has refused to execute the declaration. This submission includes the required firsthand statement that the nonsigning inventor has been provided with a request for signature, accompanied by a copy of the complete application (including specification, drawings and claims), and that the inventor has failed to execute the required documents, as requested. Item (4) is therefore satisfied.

Based on the above, applicants have satisfied all the requirements for a grantable petition under 37 CFR 1.47(a).

### CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted under 37 CFR 1.47(a) without the signature of inventor Frederic NICOLET.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at the last known address set forth in the petition, and notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) is 22 August 2005.

A handwritten signature in black ink, appearing to read 'RMR', is positioned above the typed name.

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Mr. Frederic NICOLET  
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In re Application of: GROSSIORD, Claude, et al.  
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For: AUTOMATIC CLASP FOR WRISTWATCH STRAP

Dear Mr. NICOLET:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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